

- a) **DOV/22/00644 – Change of use to residential care home for children aged 8-18 (Class 2) - 17 St Richards Road, Deal**

Reason for report – Number of contrary views (18)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1 and DM1

Draft Dover District Local Plan to 2040: The Regulation 19 Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. Draft policies SP2 and PM2.

National Planning Policy Framework (NPPF) (2021): Paragraphs 11, 92, 110 and 130.

- d) **Relevant Planning History**

DOV/19/01504 - Change of use to Residential Care Home for children aged 8-18 (Class C2). Withdrawn.

- e) **Consultee and Third-Party Representations**

Deal Town Council: Objects. Unsuitable location for residential care home as heavy road usage and history of accidents. Parking Plan for staff working shifts inadequate. No Fire Service approval. Singular lack of amenity space for children. Internal arrangement not sufficient; 1 toilet for 5 kids on the first floor and one of the bedrooms is too small.

KCC Highways: Following amendments, KCC Highways now raise no objections subject to safeguarding conditions. It is understood that there would be a maximum of 4 members of staff plus the general manager on site at any one time. Shift change is at 10am, with two staff remaining on site, which could be accommodated in the tandem parking spaces. A maximum of 3 tandem parking spaces (two for staff remaining on site to the rear), and one accessible space at the frontage of the site is suggested. Being mindful of the existing lamp column, the site could accommodate 2 spaces along the frontage. This represents a total of 5 parking spaces on the site. 2/3 spaces are required for visitors which could be accommodated on street. Whilst this does not represent an ideal scenario, there are no parking restrictions in the vicinity of the site and it is considered that less consistent short term visitor parking would cause less obstruction. Personal Injury data has been analysed for the past 5 years, whereby there have been no reported incidents in the vicinity of the site.

KCC Strategic Commissioning Team: There is limited availability of children's homes places...the site would provide a key part of ongoing transitional work to provide the best start in life for vulnerable children...the team has met the applicant and would consider making referrals and spot purchasing placements at this home.

Kent Police: The Designing Out Crime team seek a 'crime prevention condition'. Happy with the existing security measures in place, namely; windows, doors and boundary treatments. Previous concerns have been rectified and there is no longer an objection to this application.

Environmental Protection: No observations on the application.

Third party Representations: 18 respondents raising objections (22 responses in total with more than one response from some respondents) and 3 responses supporting the proposal. These responses and representations can be found in the online planning file. A summary of the objections is provided below:

- Inappropriate location for a children's home
- Lack of on-site parking spaces, inability for vehicles to turn on site, use would give rise to parking on the highway, would lead to harm to highway safety
- Noise and disturbance from the use of the parking areas and the levels of comings and goings
- Increase in crime and the fear of crime
- The health and safety of the children have not been taken into account
- Plans are inaccurate and do not show the adjacent property, as extended
- Loss of trees to the rear of the site
- Precedent

Three responses in support of the proposal refer to the need for the children's home and the location being suitable.

f) **1. The Site and the Proposal**

- 1.1 The application site comprises a detached two storey, double-fronted property, with rooms within the roof space. It has a conservatory to the rear, with a rear garden beyond. The front and side gardens of the property have been hard-surfaced with brick paviours and there is a short section of a brick wall along the front boundary, with vehicular accesses serving an 'in-out' drive that has been formed either side of it. Behind the brick paviours at the side of the property is a 2m high close boarded fence and gate leading into the rear garden.
- 1.2 The application site is located along a predominantly residential road, with a variety in the ages of buildings, their design and sizes. The road is long, mostly straight and is used as a bus route and as a road connecting Mongeham and Walmer, with schools and areas of open space/recreation close by. The site is in a reasonably sustainable location with access available on foot, cycle or bus to shops (in Mill Hill), public amenities and facilities.
- 1.3 The application building is currently vacant, works to refurbish and amend the layout of the building were undertaken around the same time as the previous application, which was withdrawn. The property has its main entrance to the front of the building which leads to a centrally located hallway leading to a lounge, dining room, kitchen and utility area, with access into the conservatory extension to the rear. Stairs from the hallway lead to a first floor with four bedrooms, a shower room, W.C and bathroom, and a further set of stairs leading to the attic room, which has two bedrooms and a sitting area/landing.

- 1.4 The proposal seeks to change the use of the building to a children's home, under Class C2. Class C2 uses are residential institutions: "for the provision of residential accommodation and care to people in need of care." The proposal seeks to accommodate up to 5 children in care, between the ages of 8 to 18, with sleeping accommodation for staff. The children will be accommodated on the first floor of the property.

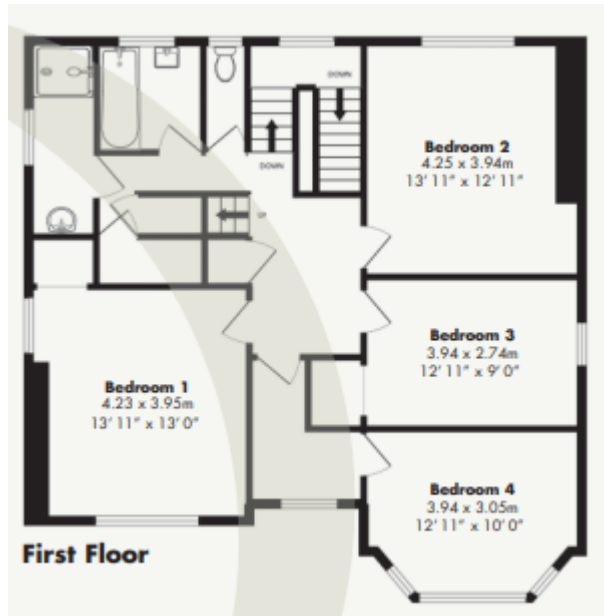
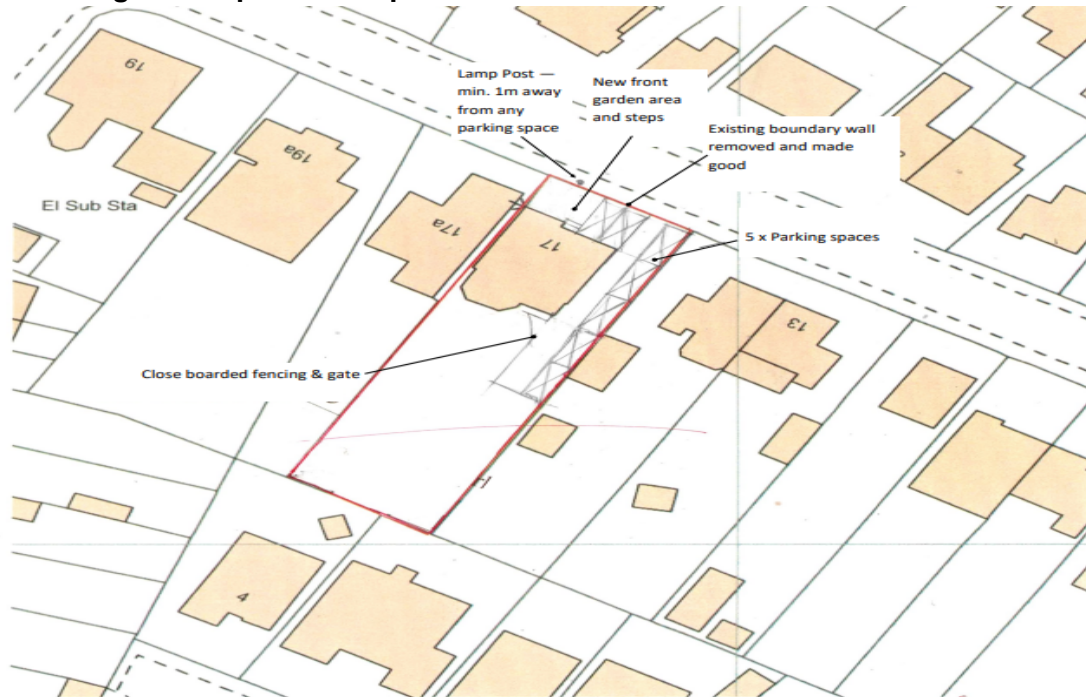


Fig 1 – First floor layout

- 1.5 When there are the maximum number of children, there will be 10 full-time and 3 part-time members of staff. This includes 4 staff members and the registered manager in the building during weekdays. Professional visits are scheduled one at a time, and not all meetings will take place in the home. The registered manager will be at the home Monday-Friday, from 0900 to 1700 hours. Morning shift changes will occur at 10am. Evening shift times will slightly vary between 9.30pm and 10pm. Two staff stay to sleep in, these are usually staff who have been at the home during the day. Two staff leave at 9.30pm -10pm with no new staff arriving. A typical day during term time and with 4 children at the home will have 2 staff arriving at 10am, 2 'sleep-in' staff leave, 2 staff arrive at 2pm, 2 staff leave at 9.30/10pm and 2 sleep in staff stay. During half term, all 4 staff start at 9.30am. Seven on-site car parking spaces are shown on the submitted plans

Fig 2 – Proposed site plan



2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Impact on residential amenity
- Highway impacts
- Other material considerations

Assessment

Principle of Development

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

2.3 The application site falls within the urban area of Deal and the proposal would therefore be in accordance with policies DM1 and CP1 of the Core Strategy. The draft Local Plan policy SP2 supports healthy, inclusive and safe communities, in principle. The proposed change of use would be a sustainable form of development in a suitable location within the urban area, with adequate access to public transport, shops, services and facilities. As such, the proposed change of use is acceptable in principle.

Impact on the Character and Appearance

- 2.4 The application proposal has been clarified and amended since its initial submission. The proposed number of children (up to 5), their age group (8-18 years old) and numbers of staff (10 FT and 3 PT) are known.
- 2.5 The existing building already accommodates 6 bedrooms on the upper floors and a range of other habitable rooms on the ground floor, along with on-site parking and access to a rear garden. The proposed development does not seek to significantly change the internal layout of the building to facilitate additional bedrooms and does not reduce the amount of floorspace given over to other habitable rooms – such as a lounge (sitting area), kitchen and dining area. Although, in certain cases, the dining room might double up for a member of staff sleeping over if there are 5 children on site at any one time.
- 2.6 The existing character of the area comprises dwellinghouses, within a mix of small, medium and large properties. There are no other known Class C2 uses close by. The proposed use is a residential use and it would not therefore have a material bearing on the residential character of the area.
- 2.7 Properties along this stretch of the road are served with varying degrees of hard-surfaced front garden areas which provide on-site parking. The visibility of the hard surfaced areas from the road and their use for parking are a characteristic of the visual quality of the road. The proposal includes (retrospectively) hard surfacing in the form of brick pavements across the front and side gardens of the property. Although more prominent within the street scene than many others, due to the proximity of the hard surfaced areas to the highway and their site coverage, it is not considered that this adversely affects the visual quality of the street scene or the prevailing character and appearance of the area to warrant a refusal of planning permission in its own right. The suggested conditions would also limit the extent of the hard-surfaced area and seek to introduce soft landscaping to the north-western part of the front garden, which would lead to a visual improvement.
- 2.8 In view of the size of the property and the existing number of bedrooms, it is considered that the proposed accommodation of up to 5 children, aged 8-18 years, along with (ordinarily) 4 on-site members of staff, not including during the cross-over of shifts, will not materially and significantly change the character and appearance of the residential area to a point where the use causes undue harm.
- 2.9 Also factored into this consideration is that the road is quite wide and an often used thoroughfare, with varying separation between properties either side and opposite, on the other side of the road. It is not a quiet residential location where such a use might be more visibly obvious and have a greater visual impact.
- 2.10 Taking into consideration the existing property, its layout and the proposed use and layout it is considered that the proposal would not unduly harm the character and appearance of the area and is in accordance with the adopted and emerging draft development plans and the policies set out in the NPPF.

Impact on Residential Amenity

- 2.11 The key consideration is whether the proposal would cause harm to the living conditions of the occupiers of adjacent properties, in particular through the use

of the property and garden and the comings and goings of staff and visitors. The nearest properties are no.s 15 and 19.

- 2.12 The proposed parking to the side of the property along the eastern boundary of the site forms the boundary with no.15. This property has been extended to the side and appears to accommodate additional bedrooms on the first floor, a home office and an extended kitchen area on the ground floor. The windows serving the bedrooms and home office face towards the front or rear and not to the side. A side door leads from the kitchen to a driveway. The driveway serves a garage building set further back into the plot, which is located alongside the boundary of the application site. A 1.8 - 2m high fence runs along this boundary, although this is interrupted by the side wall of the garage which adjoins the rear garden of the application property.
- 2.13 Taking into consideration the orientation and location of the windows serving the bedrooms in no.15, their separation to the parking area proposed, the lack of windows serving habitable rooms on the side elevation, the presence of a 1.8m high boundary fence, the garage building in the side/rear of no.15, most of the activities on the site serving the use will be during the day, and the limited number of staff turnover during the evening periods, it is not considered that the on-site activities and comings and goings will result in an unduly harmful level of noise and general disturbance to the extent of causing harm to the living conditions of the occupiers of no.15, and other properties further away.
- 2.14 As part of the assessment, crime and the fear/perception of crime for local residents close to the location of the proposed use, can be considered a material planning consideration. To assist on understanding the context of the proposed use, the applicant's company has two other children's homes close by in Dover Road and Walmer Castle Road. Historically, and around the time of the previous application, those properties had not benefitted from good Ofsted Inspections and the management of the homes had been identified as in need for improvements. In addition, Kent Police and Community Safety team had previously raised concerns about the previous application. There has been a shift since 2020. Kent Police do not have concerns regarding the current application. Furthermore, recent Ofsted Inspections have recognised that the current applicant, who is the registered manager, had put effective management in place and the homes are considered by Ofsted to be run well.
- 2.15 In conclusion, whilst how a use operates can be outside planning control, the Local Planning Authority could require a management plan through the imposition of a condition which would assist the proposed use integrating with the immediate residential community. Such a plan could include, for example, contact details, monitoring and reviewing how reports and complaints have been handled, staggering the number of visitors to the property, and having a travel plan co-ordinator to encourage shared use of vehicles, cycling and walking.
- 2.16 It is considered that the proposal would not unduly harm the living conditions of the occupiers of nearby residents and would therefore be compatible with the Draft Local Plan and the NPPF.

Highway Impacts

- 2.17 The proposed parking arrangements as shown on the submitted plan are not ideal. Although 7 on-site parking spaces are shown, KCC Highways advises that only 5 parking spaces can be safely accommodated on the site to meet

parking standards, with the likelihood that 2-3 spaces will need to be accommodated on the highway.

- 2.18 Whilst some representations received have identified vehicle accidents along St Richard's Road, KCC Highways has confirmed that no accidents have been reported. It is not always the case that accidents are reported. However, KCC Highways advises that as there are no parking restrictions along this stretch of the road and short term parking for visitors will cause less highway obstructions (than long term parking). As this number will be low, there can be no sustainable grounds to object to the proposal.
- 2.19 Paragraph 110 of the NPPF requires safe and suitable access to the site for all. Paragraph 111 of the NPPF cautions that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road would be severe. Whilst the matters and concerns raised from the local representations should not be diminished, it is considered that it cannot be demonstrated that there will be an unacceptable impact on highway safety or there would be severe cumulative impacts.
- 2.20 In conclusion, whilst it is acknowledged that the parking provision is not ideal, the use of the access (which could also involve reversing out the access) and the use of the road for visitor parking are not considered to be harmful to highway safety.

Other Material Considerations

- 2.21 Applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for additional housing development within the district to have an adverse effect on the integrity of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites. Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from the additional residents in the property, will be effectively managed.

3. Conclusion

- 3.1 Taking into consideration the need to promote the accommodation needs of this particular grouping of children and to support healthy and inclusive communities in sustainable and accessible locations, the proposal would be in a suitably sustainable and accessible location. The proposed use could be assimilated into the surrounding residential area without being overbearing or having a harmful visual impact. There are concerns around the proposed use in this location – in particular, with regard to the impact upon existing residential amenity and highway safety. However, these impacts are not considered to be adverse to the extent of warranting a refusal of planning permission. It is

concluded therefore that the proposal should be granted subject to the imposition of the suggested conditions.

g) Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

1. Standard time limit
2. Approved plans
3. Parking provision and retention
4. Retention of boundary fence
5. Limit of 5 children at any time
6. Cycle and refuse storage facilities
7. Submission of a management plan
8. Closure of the north-western access
9. Replacement of hardsurfacing with landscaping

II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Vic Hester